DELAWARE.

REPORT

OF THE

COMMITTEE OF THE SENATE,

ON

THE ORDINANCE OF SOUTH CAROLINA, &c. &c.

February 4, 1833.

Read, and laid upon the table.

Executive Department,

Dover, (Del.) January 18, 1833.

Sir: In obedience to a resolution of the General Aasembly of this State, I have the honor to transmit a report of the committee of the Senate upon the ordinance of South Carolina, and the resolutions of the General Assembly upon the same.

With all respect,

I am, very respectfully,

Your obedient servant,

C. B. BENNETT.

To the Hon. John J. Milligan,

House of Representatives, Washington City.

The Committee, to whom was referred so much of the Governor's message as relates to the communication from the Governor of the State of South Carolina, respectfully submit the following report:

The communication from the Governor of South Carolina is composed of documents ordered by a Convention of the people of that State, held in November last, to be transmitted to the Governors of the several States for the information of their respective Legislatures. These documents consist of a report of a committee of twenty-one to the Convention, on the subject of the several acts of Congress imposing duties for the protection of domestic manufactures, with the ordinance to nullify the same, an address to the people of that State, and an address to the people of the United States. Your

committee have examined the papers with great care, and with that respectful attention which is due to the source from which they emanate; but they cannot disguise their astonishment at the position assumed by the Convention, and the arguments by which it is attempted to be sustained. The position taken by the Convention is, that they have a right to suspend the operation of certain acts of Congress within the limits of the State, by declaring those acts null and void on the ground of their supposed unconstitutionality. This extraordinary right is assumed, not as a revolutionary measure, but as one that results from the nature of the compact created by the constitution, and as in perfect harmony with its principles. It becomes necessary, therefore, to settle distinctly the nature of that instrument, in order to decide the question of this right.

The ground taken by the Convention on this subject is, "that the federal constitution is a treaty, a confederation, an alliance, by which so many sovereign States agree to exercise their sovereign powers conjointly upon certain objects of external concern, in which they are equally interested." That the Federal Government is the common agency of the sovereign States, and possesses no more inherent sovereignty than an incorporated town, that it is a mere political corporation," "and that it is the *moral obligation* alone which each State has chosen to impose on herself, and not the want of sovereignty," which restrains her from exercising all those powers which have been granted to the Federal Government. And this is declared by the Convention to be the true nature of the compact. The principle with which they set out, and upon which the whole doctrine is built, is thus laid down in the address to the people of the State, page 4: "The constitution of the United States, as is admitted by cotemporaneous writers, is a compact between sovereign States." This is the corner stone of the whole system of nullification. For if it be true that the constitution is a mere treaty or compact between sovereign States, which now possess all the sovereignty they ever had, and among whom there can be no common arbiter, the rest of the doctrine follows as a matter of course. The question then arises, is this proposition true? Your committee conceive that it is false in both its branches. It is neither a compact between sovereign States, nor is so admitted to be by cotemporaneous writers, at least, of any credit.

The first and most natural source to look to for the settlement of this question is the instrument itself. Since it is apparent that it would be utterly useless to reduce an agreement or compact to writing, that it would be useless to establish a written constitution for any government or any people, if the crude notions or wild conceits of any individual may be substituted for the terms of the instrument. This is more particularly true with regard to such an instrument as the constitution of the United States; which was the work, in the first instance, of a General Convention from the different States, and was afterwards submitted to the Conventions of the people in each of the States. So that not a word or letter, and certainly not a *single principle* contained in it can be supposed to have escaped the severest scrutiny, and the whole must therefore have the highest sanction.

Upon opening that instrument, the first *principle* which presents itself is, that it purports to be the act of the American people. It is not stated to be a compact between New Hampshire, Massachusetts, Rhode Island, and the other ten sovereign States, and which would have been the appropriate and, indeed, the only preamble if the idea intended to be conveyed was

that of a compact or treaty between those sovereign States; but, on the contrary, it is declared to be the act of the American people The language is, "We, the people of the United States, do ordain and establish this constitution for the United States of America." The principle here established is, that the government created by that constitution is the act of the people of the United States, and not the act of the States as sovereignties. As this principle lies at the foundation of the whole system, it is impossible that it should have escaped the attention of the General Convention, and of the thirteen State Conventions which passed upon it. They could not have been ignorant of, or inattentive to, the difference of the two principles involved in the question, whether the instrument, to which they assented, was a constitution of government to be established by the people, or a treaty or compact between thirteen sovereign States. To suppose them ignorant, is to suppose them incompetent to their task; and to suppose them inattentive, is to suppose them culpably negligent of their duty. But we will show that they were neither the one or the other.

The very first question, as might naturally be supposed, that presented itself to the General Convention was, whether the constitution they were about to form should be a *compact* among *the States*, or the *act* of the *people*. The particular business of the Convention was opened by Governor Randolph, who submitted to their consideration, on the 29th May, 1787, various resolutions, with a view to settle the principles on which they were to proceed. The first of those resolutions was in these words—"Resolved that the *articles of confederation* ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defence, security of liberty, and general welfare."—*Elliot's Debates, vol.* 4, *p.* 41. Now it must be recollected that the articles of confederation were in point of fact, and in terms, a compact between the different States as sovereignties. The instrument itself purports to be such, and is described in the preamble as "Articles of Confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations," &c. As Governor Randolph's proposition was merely to *correct* and *enlarge* those articles, if it had been adopted, the *nature* of the compact would have been the same, and it would have continued to stand on the footing of an agreement among the States as sovereignties. The very point now at issue was therefore brought at once, and directly, before the Convention. On the same day the Convention resolved to go into Committee of the Whole on the state of the Union, and the propositions of Governor Randolph were referred to that committee. On the following day, May 30th, these resolutions were taken up for consideration, and the particular one in question being the first in order, was, on his own motion, postponed; and another offered likewise by him, was, after debate, adopted as a substitute in the following words: "*Resolved*, That a National Government ought to be established, consisting of a Supreme Legislative, Judiciary, and Executive." On this question, six States, namely, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, and South Carolina, voted in the affirmative; Connecticut voted in the negative, and New York was divided.—*Elliot's Debates, vol.* 4, *p.* 49. Mr. Yates, a member of the Convention from New York, who was opposed to the present constitution, and afterwards withdrew from the Convention because he thought they were exceeding their powers, kept minutes of the debates while he was there, which are published in the 4th vol. of Elliot's

debates, and has thus thrown much light on the questions that were agitated; and may be considered for that purpose, as of the highest authority. In his minutes of the debate on that day, he observes, "this last resolve had its difficulties; the term *supreme* required explanation. It was asked whether it was intended to annihilate the State Governments? It was answered only so far as the powers intended to be granted to the new Government should clash with the States, when the latter should yield."—*Yates' Minutes, p.* 50. It was thus decided that the *articles* of *confederation* should be laid aside, and the *principle* of a compact among the States as sovereignties abandoned. Accordingly we find that, on the 6th June following, when the fourth resolution offered by Governor Randolph was under consideration, which provided that the members of the first branch of the National Legislature should be elected by the people, a motion having been made to strike out the word "people," and substitute the word "Legislatures" of the several States, the motion was lost by a vote of eight States to three. In the debate on that point, Mr. Madison is reported by Mr. Yates, to have observed "that, when we agreed to the first resolve of having a National Government, consisting of a Supreme Executive, Judicial and Legislative power, it was then intended to operate to the exclusion of a *Federal* Government, and the more extensive we made the basis, the greater probability of duration, happiness, and order."—*Yates' Minutes, p.* 63.

The first resolution was afterwards modified so as to read thus: "*Resolved*, That the Government of the United States ought to consist of a Supreme Legislative, Judiciary, and Executive." The reason for which is stated by Mr. Luther Martin, one of the delegates from Maryland, and a most determined opponent of the proposed system at the time, to have been that they were afraid that the word national might tend to *alarm*.—*Yates' Minutes, p.* 22.

The principle was thus, therefore, clearly established, and remained unchanged, that the new government was not to be placed on the footing of a compact among the States as sovereigns; but was to emanate from the people, and be established by their authority. On the twenty-third of July, the resolution thus modified, was, together with the others which had been elaborated in the debate that had been carried on in the Committee of the Whole, referred to a committee of five for the purpose of reporting a constitution. It is evident that the committee appointed for that purpose, were bound, in draughting the instrument, to preserve that *fundamental principle*. Accordingly, on the 6th of August, the committee reported the draught of a constitution, the preamble to which began in these words: "We, the *people* of the States of New Hampshire, Massachusetts, &c., do ordain and establish the following constitution for the government of *ourselves* and *our posterity*."—*Elliot's Debates, vol.* 4, *p.* 116. The principle was here distinctly set forth, but as it might have afforded some room for cavil, and it was determined that there should not be a loop to hang a doubt upon, the phraseology was changed, and that of the present constitution adopted, "We the people of the United States," &c. If it is possible for human language or for human conduct to express the intentions of the mind, nothing can be clearer than the intention of the General Convention on this point. If regard then be had to the instrument itself, it is, and it purports to be, a constitution of government established by the people of the United States. For this purpose it was not at all necessary that *they* should be

assembled in *one body*, in *one place*, or by *one authority*. It was sufficient for them to assemble in their *respective* States, at their *usual places* of election, and under the *usual authority*. When once assembled, and they proceeded to ratify the instrument, it became to all intents and purposes their act. Nor does it at all affect the question that it was provided, that the ratification of a certain number of the States should be necessary for its establishment. That was a mere condition which amounted to no more than a declaration, that the experiment was not worth the trial, unless such a portion of the people should concur. So far as this particular subject is concerned, the term States is a mere description of the people by classes, and is of no more moment in the argument than if the provision had been, that it should not take effect unless ratified by two millions of people, or by two hundred and forty counties, or one hundred districts. The provision was a condition precedent, which ceased to be of importance the moment it was fulfilled.

The tenth amendment of the constitution which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people," illustrates and confirms the view here taken of the character of the instrument, and the source of its authority. But if, in addition to this, the frame of government be considered which deprives the States of almost all the essential rights of sovereignty, and makes them amenable to the tribunals of the United States' Government, whose decisions are conclusive in relation to all controversies arising under the constitution and the laws of the United States, it becomes a matter of surprise that any doubt should have been expressed on the subject.

It thus appears that the constitution is not a treaty or compact between sovereign States, and it remains to show that such was the opinion of cotemporaneous writers. Reference has already been made to the work of Mr. Yates, who was a member of the Convention from New York, and whose minutes of the debates are of the highest degree of authenticity, and which, in the passage already cited, as well as in others, confirms the position taken by your committee. In the debate on the 29th June, the first clause of the seventh proposition being under consideration, which respected the suffrage of each State in the first branch of the Legislature, Mr. Madison, who is so much relied upon by the Carolina Convention as an authority, in the celebrated resolutions of 1798, expressed himself as follows, as reported by Mr. Yates: "Some gentlemen are afraid that the plan is not sufficiently national, while others apprehend that it is too much so. If this point of representation was once well fixed, we would come nearer to one another in sentiment. The necessity would then be discovered of circumscribing more effectually the State Governments, and enlarging the bounds of the General Government. Some contend that *States are sovereign*, when, in fact, they are only *political societies*. There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The *States* never possessed the *essential rights of sovereignty*. These were always vested in Congress. Their voting as States in Congress is no evidence of sovereignty. The State of Maryland voted by counties—did this make the counties sovereign? The *States* at present are only *great corporations*, having the power of making *by-laws*, and these are *effectual only*, if they are *not contradictory*, to the general confederation. The States ought to be placed under the control of the General Government.

If the *power is not immediately derived from the people in proportion to their numbers*, we may make a paper confederacy, but that will be all. We know the *effects* of the *old confederation*, and, without a general government, this will be like the former."—*Yates' Minutes, page* 114.

In the debate on the 5th June, the last or 15th proposition of Governor Randolph being under consideration, which provided that the work of the Convention should be submitted to assemblies of representatives to be *chosen by the people expressly for that purpose*; Mr. Yates reports that "Mr. Madison endeavored to enforce the necessity of this resolve, because the *new national constitution* ought to have the *highest source* of authority, at least paramount to the powers of the respective constitutions of the States; points out the *mischiefs* that had arisen in the *old confederation*, which depends upon no higher authority than the confirmation of an ordinary act of a Legislature"—*Yates' Minutes*, p. 62.

Mr. Luther Martin, who was a delegate from the State of Maryland in the General Convention, and violently opposed to the new system at the time, in his report to the Legislature of Maryland on the subject of the proceedings of the Convention, thus details the arguments used by himself and his friends. "It was urged that the Government we were forming was not in reality a *federal*, but a *national* Government, not founded on the principles of the preservation, but the abolition or consolidation of all *State Governments*. That we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system. That we had not been sent to form a government over the inhabitants of America, considered as individuals; that, as individuals, they were all subject to their respective State Governments, which Governments would still remain, though the Federal Government should be dissolved. That the system of government we were entrusted to prepare was a government over these thirteen States; but that, in our proceedings, we adopted principles which would be right and proper *only* on the supposition that there were no State Governments *at all*, but that all the inhabitants of this extensive continent were, in their individual capacity, without government, and in a state of nature. That, accordingly, the system proposes the Legislature to consist of two branches, the *one* to be drawn from the people at large, immediately in their *individual capacity;* the *other* to be chosen in a more select manner, as a *check* upon the first. It is, in its very introduction, declared to be a *compact* between the *people of the United States as individuals;* and it is to be ratified by the people at large, in their capacity as individuals; all which it was said would be quite right and proper, if there were no State Governments; if all the people of this continent were in a state of nature, and we were forming one national Government for them as individuals; and is nearly the same as was done in most of the States, when they formed their Governments over the people who compose them."—*Yates' Minutes*, pages 19, 20. Notwithstanding these arguments, the constitution was prepared and adopted on the principles which were thus opposed; and we have here the commentary of one of the ablest lawyers that this country ever produced, who was himself a member of the Convention, and opposed to the system, upon that very instrument; and putting it beyond all doubt and controversy that it was the design of the Convention to abandon the *principle* of a *compact* among the *States as sovereigns*, and substitute for it that of a Government *established* by the *people*. The same

view of the subject is presented in the Federalist, a work which was written at the time for the express purpose of explaining and recommending the new Constitution, and which was the joint production of three of the ablest men of the day, and has been regarded and relied upon, both in and out of Congress, and even in the courts of justice, as presenting a most able, authentic, and correct exposition of its principles. The conclusion of the twenty second number, in which some of the evils of the old confederation are pointed out, is as follows: "It has not a little contributed to the infirmities of the existing federal system, that it never had a ratification by the *people*. Resting on no better foundation than the consent of the several Legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers; and has, in some instances, given birth to the enormous doctrine of a right of legislative repeal. Owing its ratification to the law of a State, it has been contended that the same authority might repeal the law by which it was ratified. However gross a heresy it may be to maintain that a *party* to a *compact* has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature, proves the necessity of laying the *foundations* of our *National Government deeper* than in the mere sanction of delegated authority. The *fabric of American empire* ought to rest on the solid basis of *the consent of the people*. The streams of *national* power ought to flow immediately from that *pure original fountain* of all legitimate authority."

It is unnecessary to multiply quotations. The question is not under what name the Government established by the constitution would be classed by political writers; whether it would be called a federal government or a national government, or a compound of the two; but simply from whom does it derive its powers? whether from the States as sovereigns, or from the *people?* It thus appears from the constitution itself, from the Journal of the Convention, from the debates on its proceedings, from the reports of its enemies, and from the arguments of its friends, that the *principle* on which it was founded was, that it was to be a *government emanating from*, and *established* by the *people*. If any thing more were wanting to make assurance doubly sure, the ratification by the State of Virginia where more opposition was experienced than in any other State, and more debate was had on the subject—the solemn act of ratification by that State recognizes the fact in so many words. It is as follows:

"We, the delegates of the people of Virginia, &c. do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, *being derived from the people of the United States*, may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them, and at their will, &c "—*Elliot's Debates*, vol. iv. p. 215.

It is thus established beyond a doubt, whether we regard the instrument itself, or its cotemporaneous history, that the constitution is a *form of government* established by the *people*, and not a *compact* or *treaty* among the *States*. If this be true, then the whole system of nullification topples into ruin.

The principle on which that system is built, is, that the constitution is a *treaty* between sovereign States and the General Government—an *agency* for them. The moment this foundation is destroyed, the whole system of

reasoning falls with it. If the General Government be one, established by the people of the United States, then they owe it allegiance, and may be guilty of treason towards it. Its laws are supreme, and no portion of the people can abrogate them. The State Governments are component, but subordinate parts of the system. They are as necessary and useful in their sphere as the General Government, but that portion of the people of the United States who constitute a particular State, can have no more right to nullify or suspend a law of the United States than a smaller portion of them, as a county of a particular State, or than any individual. In other words, the union of any number, whether great or small, can give no greater or other right than that which belongs to each individual, as a constitutional measure. It is to be recollected that the ground taken by the nullification party is, that nullification is a right consistent with the constitution, and peaceable in its nature. In order to sustain that position, it was essential to show that the constitution is a treaty between sovereign States, and that, in such case, there could be no common arbiter, but that each was entitled to construe the instrument for itself, and was bound only by *moral obligation* to observe its stipulations, and was therefore the judge of their infraction, and of the measure and mode of redress. But so far from this being true, it has been shown that the constitution is a form of government established by the people of the United States; and having provided a tribunal for the settlement of all controversies arising under its provisions, or the laws of the United States, it necessarily follows that no other mode of decision can be resorted to as consonant with its principles.

If the ground had been taken that it was a revolutionary measure, and justified on the great principle of self preservation, it would have had the merit of being intelligible; and, if true, would have enlisted the sympathies of other States, and indeed of other nations. In such a case, it would be an appeal to arms, and the legal consequences of such a step would have to be met. The case would then be one of an insurrection of a portion of the people against the Government, in consequence of alleged oppression. But it was clearly seen that the real state of the case would not justify such a measure. It was clearly seen that neither the rest of the people of the United States, nor any portion of the world could be made to believe that, in the midst of so much general happiness and prosperity, in a time of profound peace, with an overflowing treasury, and under such a Government as that of the United States, such a case of oppression could be made out as would justify rebellion. It was therefore necessary to resort to this doctrine of nullification for the purpose of disguising the real nature of the measure, and to give to a contemplated resistance the air of constitutional right. The act of nullification is, itself, a nullity, and the consequences are treason.

The State Governments, it is true, are sovereign for some purposes, but have, by the constitution of the United States, been stripped of most of the essential attributes of sovereignty, such as the rights to declare war, make peace, enter into treaties and alliances, coin money, &c. It is a matter of no sort of importance which instrument happens to precede the other in point of time—whether the constitution of the State or the constitution of the United States. The latter instrument having been declared the supreme law, and being the work of the same people, necessarily controls and abridges any sovereign power vested in the State Governments under the State constitutions. It is needless to pursue the subject further. It is apparent that the State of South Carolina has no such right as she claims under the

constitution; and, if she can justify the measure at all, it must be on the ground of intolerable oppression, and the unconstitutionality of the acts complained of; but, on this ground, the rights of her whole body of citizens, or any portion of them, are no other and no greater than those of the humblest individual in the community. But they cannot trammel up the consequences; their political organization as a State may furnish readier means of resistance, and greater probabilities of success, but the consequences are the same. They cannot sanctify or legalize resistance, and the predicament in which the individual may stand, if mistaken in his judgment, is that of a traitor to his country.

The view here taken of the origin of the Government, and the nature of the constitution, is confirmed by the solemn decisions of that great tribunal which has been created by that instrument, and which is the sole and proper one for the settlement of all controversies arising under it. The language of the Supreme Court, as delivered by Chief Justice Marshall, in the case of M'Cullough against the State of Maryland, is as follows: "In discussing this question, the counsel for the State of Maryland have deemed it of some importance in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent States. The powers of the General Government, it has been said, are delegated by the States, who alone are truly sovereign, and must be exercised in subordination to the States, who alone possess supreme dominion: it would be difficult to sustain this proposition. The Convention which framed the constitution was indeed elected by the State Legislatures; but the instrument, when it came from their hands, was a mere proposal, without obligations or pretensions to it; it was reported to the then existing Congress of the United States, with a request that it might be 'submitted to a Convention of delegates chosen in each State, by the people thereof, under the recommendation of its Legislature, for their assent and ratification.' This mode of proceeding was adopted; and by the Convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectually, and wisely on such a subject, by assembling in Convention. It is true, they assembled in their several States, and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass; of consequence, when they act they act in their States; but the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State Governments. From these Conventions the constitution derives its whole authority. The *Government proceeds* directly from the *people*, is 'ordained and established' in the name of the people; and is declared to be ordained in order to form a more perfect union, establish justice, ensure domestic tranquillity, and secure the blessings of liberty to themselves and their posterity." *Wheaton's Rep. vol.* 4, *p.* 403.

The same principles are recognized as being true in the late admirable proclamation of the President of the United States.

As to the doctrine of nullification, your committee would scarcely have considered it worth the trouble of discussion, but for the grave sanction that has thus been given to it by the Convention of South Carolina: they would have treated it as one of those conceits which might have formed the

subject of debate in a moot court of a law school, but would never have conceived it possible that it could enter into the business realities of life.

Under the view which has been taken of the subject, it is scarcely necessary to inquire into the grounds of complaint, since they are not deemed strong enough, even on the part of the Convention, to warrant a revolutionary measure, or, in other words rebellion; and the particular subject of attention under the communication, is the attitude assumed by the State on the ground of her sovereign power.

But your committee cannot forbear from expressing the opinion, that their views of political economy are as erroneous as their constitutional principles. They conceive that it would be no difficult matter to show that the distress of South Carolina may be imputed to very different causes than those assigned, and might be traced, with much more semblance of reason, among other causes, to the increased production of their principal staple, both here and in other parts of the world. But your committee refrain from touching further on this subject. They cannot perceive that the people of South Carolina have any *constitutional* cause of complaint. If there is distress among them, it is a matter in which we deeply sympathise; but if, in the due administration of the General Government, any measure has borne hardly upon them, we know of but one remedy under the constitution and the laws, and that is in the exercise of the elective franchise.

Your committee abstain from the expression of any hopes or wishes on the subject: they lament the delusion under which they believe a portion of the people of that State labor; but they are free to say, that, as the people of this State were the first to adopt the present Government, they will be the last to abandon it; and that whenever and wherever the exigency may arise, they will be found on the side of the constitution and the country.

Your committee, therefore, report the following resolutions:

Whereas, a Convention of the people of the State of South Carolina has undertaken, by an ordinance passed in November last, to declare certain acts of Congress for imposing duties and imposts on the importation of foreign commodities, null and void, and not binding on the State, its officers, and citizens; and has prohibited the enforcement of those laws within the limits of that State; and has also prohibited any appeal from the decisions of the State Courts, wherein the authority of the ordinance shall be drawn in question, to the United States' Courts: And whereas this measure has been communicated, by order of the Convention, to the Governor of this State, for the purpose of being laid before the Legislature, and it is expedient that the sense of the people of this State should be expressed in relation thereto: Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the constitution of the United States is not a treaty or compact between sovereign States, but a form of government emanating from, and established by, the authority of the people of the United States of America.

Resolved, That the Government of the United States, although one of limited powers, is supreme within its sphere, and that the people of the United States owe to it an allegiance which cannot be withdrawn, either by individuals or masses of individuals, without its consent.

Resolved, That the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies in relation to the constitution and the laws of Congress.

Resolved, That if, in the regular action of the Government, mischief of any kind be produced, the proper remedy is to be found in the elective franchise, and the responsibility of its officers.

Resolved, That, in cases of gross and intolerable oppression, which, in a Government like that of the United States, can be little else than a hypothesis, the natural right of self-defence remains; but which must, in the nature of things, be an appeal to arms, and subject to all the consequences of resistance to the constituted authorities. In such a case, the measure is revolutionary, and the result remains in the hands of the Almighty.

Resolved, That the Convention of South Carolina can have no other or greater right to annul or resist the laws of Congress than any assemblage of an equal number of individuals in any part of the United States; nor can any assemblage, however large, have any other or greater right, for such a purpose, than belongs to each individual citizen, considered as a constitutional measure.

Resolved, That it is a subject of regret that such a delusion should exist among any portion of the citizens of that State, towards whom the people of this State entertain the kindest feelings, with whom they stood side by side in the war of the revolution, and in whose defence their blood was freely spilt. But if the measure, which has been adopted, is intended as the precursor of resistance to the Government, the people of Delaware will not faulter in their allegiance, but will be found, now as then, true to their country and its Government.

Resolved, That we cordially respond to the sentiments on this subject, contained in the able proclamation of the President of the United States, and shall be, at all times, prepared to support the Government in the exercise of its constitutional rights, and in the discharge of its constitutional duties.

Resolved, That the Governor be requested to transmit a copy of these resolutions, and the accompanying report of the committee, to the President of the United States, to each of our Senators and our Representative in Congress, and to the Governors of the respective States and Territories of the United States of America.

JOSHUA BURTON,
Speaker of the Senate.

THOMAS DAVIS,
Speaker of the House of Representatives.

Passed at Dover, January 16, 1833.